

74-CR-80

**CRIMINAL DOCKET
UNITED STATES DISTRICT COURT**

D. C. Form No. 100A Rev.

TITLE OF CASE	ATTORNEYS
THE UNITED STATES vs. 1. Jim Zollie Johnson and 2. Billy Herschel Jones, Jr.	For U. S.: Ben F. Baker Asst. U.S. Attorney For Defendant: Ainslie Perrault, Jr. (Appt. for Johnson) 500 West 7th St. Philtawer Bldg Tulsa, OK 74119 582-1717

Addresses of Defts. on bond are:

(Imperial Ins. Co) Johnson 802½ East Downing Tahlequah, OK 74464 456-9832	Jones 3124 E. 5th St. Tulsa, OK 74104 932-1887
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STATISTICAL RECORD	COSTS	DATE	NAME OR RECEIPT NO.	REC.
J.S. 2 mailed 7-1-74	Clerk			
J.S. 3 mailed Jones 12-1-74 Johnson - 12-1-74	Marshal			
Violation Distribution of Drugs	Docket fee			
Title 21				
Sec. 846				
1 Ct.: \$25,000 &/or 15 yrs.				

DATE	PROCEEDINGS
6-13-74	Indictment, filed in open court. v
6-13-74	Record vote of the Grand Jury, filed in open court. v
6-14-74	Magistrate papers added to file. v
5-31-74	Appearance bond of Deft. Johnson in the amount of \$15,000.00, surety, filed with Order Specifying Methods and Conditions of Release.(CSB-Mag)
5-24-74	Appearance Bond of Deft. Jones in the amount of \$10,000.00, personal, filed with Order specifying mentods & conditions of release.(CSB-Mag)v
6-14-74	Ordered by the Court that this case is set for Arraignment on Tuesday, June 18, 1974, at 10:00 A.M. (AEB-J)v -notices mailed.
6-18-74	Case called for Arraignment and plea. Defts.. Johnson and Jones, present and represented; govt. represented. Defts. each were advised of charge. Deft. Johnson Arraigned and enters a plea of NOT GUILTY. Deft. is given 10 days to file any and al Motions. Hearing on Motion to Suppress set on July 2, 1974, at 10:00 a.m. Jury Trial as to Deft. Johnson set on July 22, 1974(CONT)

(over)

DATE	PROCEEDINGS
	Deft. Jones was Arraigned and enters a plea of GUILTY and it is adjudged by the court that the deft. is guilty as charged. Jury waiver signed and filed in open court. Upon Counsel's request the Deft. defendant is sentenced this date. Judgment and Commitment-Billy Herschel Jones, Jr. The Deft. is hereby committed to the custody of the Atty Gen. for a maximum period of Fifteen years, for a study as described in 18 U.S.C.A. Section 4208(c), the results of such study to be furnished this court within 90 days, whereupon the sentence of imprisonment herein imposed may be subject to modification in accordance with 18, U.S.C.A. Section 4208(b). Sentence is deferred until 6-24-74 at 9:30 a.m.(AEB-J)s
6-25-74	Motion of def. Johnson to suppress, filed. rm
6-25-74	Brief of def. Johnson in support of mo/suppress, filed. rm
6-25-74	Application for Order to Issue Subpoenas, filed. O to Dene by atty. jj
6-26-74	Order, filed, that subpoenas be issued at govt's expense to Officer M. V. Wegrzyn, Officer Jim Williams and Junion Green on behalf of deft. Jim Zollie Johnson. (AEB-J)hm (c/c's to USM) & cpy to Perrault
6-26-74	Subpoenas issued.jj
7-1-74	Response of pltf. to def. mo/suppress evidence, filed. rm
7-2-74	Case call for hearing on motion to suppress evidence. Deft. present and represented; govt. represented. Rule invoked. Deft's witness' sworn and testify. Parties rest. Plaintiff's ex. 1 admitted. Ct. takes ruling under advisement. Parties to submit simultaneous briefs within 5 days.(AEB-J)s
7-3-74	Okla. Highway Patrol stored vehicle report, filed. as pltf's ex. #1.hm
7-5-74	J/C returned and filed that deft. was delivered on 6-26-74 to Tulsa Cty. Jail by U.S. Marshal and that deft. was delivered on 7-1-74 to Fed. Ref. at El Reno, Okla.jj
7-8-74	Pltf's memorandum of law, filed. hm
7-9-74	Case set for jury trial 7-23-74 at 10:00 a.m.(AEB-J)bm
7-9-74	Deft's Supplemental Brief in Support of Mtn. to Suppress, filed.jj
7-16-74	Petition for Writ of Habeas Corpus ad Testificandum, filed. lm
7-16-74	Reporter's Transcript of proceedings had on 7-2-74 (hearing on motion to suppress), filed and entered
7-18-74	Order, filed, that motion to suppress is sustained & no evidence obtained from the searches of the trunk of deft's car on 4-14-74, shall be admitted in the proceedings against him before this Court.(AEB-J) b copies mailed
7-18-74	Order granting writ of H/C ad testificandum, filed. g (AEB-J)g
7-18-74	Case transferred to Judge Fred Daugherty. (AEB-J)hm
7-19-74	Govts. notice of appeal filed, from order entered 7-18-74. b(copies mailed to counsel and c/c to Clerk, U.S.C.A.)
7-22-74	MO: Ordered by the Court that this case is stricken from jury docket of 7/23/74 pending appeal of the USA on Court's ruling on def.'s motion to suppress.(FD-J)rm - parties notified by phone
7-22-74	MO: This case is transferred to Judge Allen E. Barrow. (FD-J)rm
7-29-74	Designation of record on appeal by parties, filed. rm

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DATE	PROCEEDINGS
8-6-74	Ordered by Court that extension of time be granted Federal Reformatory, El Reno, Okla. for study and treatment of Billy Herschel Jones, Jr. with recommendations due Court 10-21-74, filed. lm
8-12-74	Returned Writ of Habeas Corpus Ad Testificandum as to Deft. Jones on 7-23-74, unexecuted, at request of U.S. Attorney Office, filed. v
8-14-74	Appl. of USA for ext. of time for transmission of record on appeal, filed. rm
8-15-74	Order, filed, granting USA to 9/30/74 to transmit record on appeal. (AEB-J)rm (copy to counsel and USCA)
10-3-74	Stipulation for dismissal of appeal, with ORDER approving dismissal. (FD-J)rm (copies to counsel and USCA & ct. reporter)
10-9-74	MO: Case set for Jury Trial on 11-13-74 at 9:30 a.m. (AEB-J)k notices mld.
10-16-74	Petition for Writ of Habeas Corpus Ad Testificandum as to Deft. Jones, fld. v
10-23-74	Petition for Writ of Habeas Corpus Ad XXX Prosequendum as to Deft. Johnson, filed. v -o & writ to Judge Daugherty.
10-25-74	Order granting writ of h.c ad pros., filed. rm Writ issued.
11-1-74	Order granting writ of H.C. ad test., filed (Jones). k Writ issued. (FD/AEB) J
11-11-74	Case set for definitive sentence on 11-19-74 at 10:00 a.m. as to deft. Billy Herschel Jones, Jr. (AEB-J)hm
11-13-74	Case called for jury trial. Deft. Johnson present & represented. Govt. represented. Parties announce ready. Jury duly empaneled and admonished. Jury excused and to report back 11-18-74, at 10:00 A.M. for trial. (AEB-J)b
11-18-74	Jury trial held. Deft. Johnson present & represented. Govt. represented. Parties announce ready. Opening statements made by Govt. & Deft. Pltf. presents case in chief with testimony of witnesses. Out of hearing of jury Deft. makes motion for mistrial motion overruled. Pltf. rests. Out of hearing of jury Deft. makes motion for dismissal, overruled by Court. Parties rest. Closing arguments made. Court instructs jury and Jury retires to deliberate at 2:55 P.M. and return with verdict of GUILTY at 3:40 P.M. Verdict ordered received read & filed in open court. Court orders pre-sentence report on deft. Sentencing set for 11-26-74, at 10:00 A.M. Pltf. asks to withdraw exhibits. Court allows withdrawal of exhibits. (AEB-J)b
11-18-74	Verdict filed, finding Deft. GUILTY. (AEB-J)b
11-19-74	Case called for Definitive Sentencing. Deft. present & rep. Govt. Rep. Deft. & counsel are asked if they care to say anything before sentence is passed, and no cause to the contrary being shown: JUDGMENT & SENTENCE - BILLY HERSCHEL JONES, JR.
Ct. 1 - It is adjudged that the deft. is committed to the atty. gen. for treatment & supervision until discharged by the Y.C.A. as provided by T. 18, USC Sec. 5010(b). Court requests report in 90 days. It is the recommendation of the Court that deft. be sent to the F.C.I. at Lompoc, Calif. for his treatment & supervision. (AEB-J)k	
11-19-74	Judgment & Commitment, filed & entered. (AEB-J)k
11-19-74	2 cc to USM. k

DATE	PROCEEDINGS
11-26-74	Case called for Sentencing. Defendant Jim Zollie Johnson present & rep. Gov't. present & rep. Deft. Johnson & counsel are asked if they care to say anything before sentence is passed, and no cause to the contrary being shown:
	JUDGMENT AND SENTENCE - JIM ZOLLIE JOHNSON
	Ct. 1 - It is adjudged that deft. Johnson be sentenced to the custody of the Atty. Gen. for a period of ten (10) years pursuant to 21 USC 846. It is further adjudged that a mandatory special parole term of three (3) years be imposed to commence at the expiration of the sentence herein imposed. Deft. Johnson is advised of his right to appeal. (AEB-J)k
11-26-74	Judgment & Commitment, filed & entered. (AEB-J)k Remanded to USM.
11-26-74	2 cc of J & C to USM.k
12-2-74	Notice of Appeal, filed by Deft. JOHNSON. v (cpy to USCA & counsel)
12-4-74	Designation of appeal record, filed. g
12-9-74	Writ of H/C ad testificandum, ret. & filed: Billy Herschel Jones, Jr., transported from Fed. Reformatory at El Reno, Ok. to Tulsa County Jail on November 6, 1974. g
12-9-74	Writ of H/C ad prosequendum, ret. & filed: deft. Jim Zollie Johnson transported from Cherokee County Jail, Tahlequah, Ok. to Tulsa County Jail on 10-30-74, and returned him to Cherokee County Jail, Tahlequah, Ok. on 12-5-74. g
1-13-75	Appl. of def. for ext. of time to perfect appeal and transmit, filed. rm
1-13-75	Order, filed, granting ext. to 2/12/75 to perfect appeal. (AEB-J)rm-copies to counsel and USCA
2-5-75	Reporter's transcript of jury trial proceedings had on 11/18/74, filed. (L.Marks-CR)rm
2-7-75	Appeal record (3 vols.) transmitted to USCA.rm
12-31-75	Mandate and opinion of USCA, affirming judgment of 11/26/74 and directing def. to surrender himself within 10 days, filed and spread of record. rm
1-5-76	Letter to counsel re Mandate and confirming that def. is incarcerated as State prisoner. rm
1-9	Appeal record (3 vols) received from USCA. rm
2-17	Motion of def. to modify sentence, pursuant to Rule 35, filed. rm
2-20	Order, filed, that Deft. Jim Zollie Johnson's Mot. for Modification of Sentence is overruled. (AEB-J)v -cps. mld.
5-12	USM ret. of J/C executed by delivering Deft. to Tulsa County Jail on 11-26-74, & delivering Deft. on 5-3-77 to USP at Leavenworth, Kn., fld. ho
7-18-77	Motion to reduce or correct sentence pursuant to Rule 35, filed. g
7-28-77	Order, fld. it is ordered that the Rule 35, Federal Rules of Criminal Procedure, mot. of Jim Zollie Johnson be and is hereby overruled. (AEB-J) cps mld. ho
5-1-80	MOTION of pltf. for leave to proceed in forma pauperis.cs 0 to J.
5-1-80	ORDER AS PART OF MOTION, that the movant herein is permitted to file this action w/o prepayment, any further proceedings must be authorized in advance by Ct.(TRB-J)cs cps/mld.
5-1-80	PETITION for writ of Habeas Corpus, as part of motion for leave. IN RE 80-C-223-Bt
5-16	ORDER, that Writ is denied. (TRB-J)cs cps/mld.

DATE	PROCEEDINGS (continued)	V. EXCLUDABLE DELAY			
		(a)	(b)	(c)	(d)
7-29-80	ORDER entered that spec. parole term heretofore imposed upon deft. Johnson in Ct. of Ind. is hereby vacated. (HDC-J)hm (cc: attys & prob. off)				
1981					
2-13	APPLICATION of deft. to review pre-sentence report.nd				
2-13 MO	ORDERED that appl. to review presentence report of deft. is <u>denied</u> . (HDC-J)nd cps/mld.nd				

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DATE	PROCEEDINGS (continued)	V. EXCLUDABLE DELAY			
		(a)	(b)	(c)	(d)
	(Document No.)				

AO-257

Interval
(per Section II)

Start Date

End Date

Ltr.
Code

Total
Days